

**BOARD OF ZONING APPEALS
MINUTES**

The Board of Zoning Appeals held its regularly scheduled meeting on Wednesday, September 9, 2015, at 4:00p.m. in Council Chambers, Rouss City Hall, 15 North Cameron Street, Winchester, Virginia.

POINTS OF ORDER:

PRESENT: Chairman Pifer, Vice Chairman Crawford, Mr. Lewis, Mr. Whitacre, Ms. Anderson

ABSENT: Ms. Marchant

STAFF: Aaron Grisdale, Erick Moore, Carolyn Barrett

VISITORS: Richard Pifer Sr., Patrick Sowers, Michael Newlin

CONSENT AGENDA:

Chairman Pifer asked to designate Ms. Anderson as a voting member. Voice vote was taken and the designation was approved.

Approval of Minutes of August 12, 2015:

Chairman Pifer called for corrections or additions to the minutes. Vice Chairman Crawford made a motion to approve the minutes as submitted. Mr. Whitacre seconded the motion. Chairman Pifer called for a vote. Roll call vote was taken and the motion passed 5-0.

Vice Chairman Crawford – yes

Mr. Lewis - yes

Mr. Whitacre – yes

Ms. Anderson - yes

Chairman Pifer – yes

READING OF CORRESPONDENCE:

None.

PUBLIC HEARINGS:

BZA-15-484 Request of Pennoni Associates, Inc. for a variance of the Winchester Zoning Ordinance Section 18-8-6.2.b.2 pertaining to maximum sign height at 1675 South Pleasant Valley Road (*Map Number 253-01- -9*) zoned Highway Commercial, B-2 District. The request is to grant a variance to increase the maximum height of a freestanding sign proposed along the property's Jubal Early Drive frontage from 20 feet to 35 feet.

Mr. Grisdale presented the case. No letters of support or opposition have been received.

Mr. Crawford asked if the existing zoning requirements were in existence when the K-Mart was built. Mr. Grisdale said they were established prior to the conversion that took place on the property.

Chairman Pifer Opened the Public Hearing

Patrick Sowers spoke on behalf of Pennoni Associates. Mr. Sowers explained the grade differential on the property. The elevation creates a hardship by making the proposed signage difficult to see.

The board members asked questions about the type of sign, height and the location.

Chairman Pifer Closed the Public Hearing

Mr. Crawford suggested changing the approval to read “twenty feet above grade at point of installation” and explained his reasoning. Mr. Grisdale clarified the suggestion and said the applicant was amenable to a twenty-seven foot tall sign. Michael Newlin, an engineer for Pennoni Associates, spoke about the placement of the sign and the area where it would be installed.

Hearing no further questions or discussion from the Board, Chairman Pifer called for a motion.

Mr. Crawford made a motion that the Board of Zoning Appeals approve a variance of the Winchester Zoning Ordinance Section 18-8-6.2.b.2 pertaining to maximum sign height at 1675 South Pleasant Valley Road (Map Number 253-01- -9) zoned Highway Commercial, B-2 District, with the following conditions:

- a. The variance applies only to the sign on the Jubal Early Drive frontage in the area specified on the site plan allowing for a maximum height of twenty-seven feet.*
- b. Should the sign ever be relocated or removed the variance shall expire.*
- c. The sign permitted on the Spring Street frontage shall be a monument style sign with a maximum height of fifteen feet.*

This variance is approved because:

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.*
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.*

Mr. Whitacre seconded the motion. Chairman Pifer asked for a roll call vote.

Mr. Crawford – yes

Mr. Lewis - yes

Mr. Whitacre – yes

Ms. Anderson – yes

Chairman Pifer – yes

Chairman Pifer stated the motion passed 5-0.

BZA-15-487 Request of DORI, LLC for a variance of the Winchester Zoning Ordinance Section 5.1-5-1 pertaining to a front yard setback at 4 East Southwerk Street (Map Number 212-01-Q-1) zoned Limited High Density Residential, HR-1 District. The request is to grant a variance of a required front yard setback that will result due to a subdivision of the property into two conforming single family lots.

Chairman Pifer recused himself. Vice Chairman Crawford presided over the case.

Mr. Grisdale reviewed the request from DORI, LLC. Some of the yard definitions will change if approved. Staff supports the request and believes the applicant is making a bare minimum request to have reasonable use of the property. The possible subdivision will result in two conforming lots. Staff has not received any letters of support or opposition to the request.

Mr. Crawford asked a question about the orientation of the house and yard. Ms. Anderson asked what size house would fit on the lot and what the parking situation would be. Mr. Grisdale said he did not have the dimensions but it would be possible to fit a house with off street parking on the lot.

Vice Chairman Crawford Opened the Public Hearing

Mr. Pifer gave some of the history of the house and how it was moved to the present location. Dividing the lot would bring it into conformance with the zoning ordinance. He was not sure what kind of house will be built.

Vice Chairman Crawford Closed the Public Hearing

Hearing no further questions or discussion from the Board, Vice Chairman Crawford called for a motion.

Mr. Whitacre made a motion to approve a variance of the Winchester Zoning Ordinance Section 5.1-5-1 pertaining to a front yard setback at 4 East Southwerk Street (Map Number 212-01-Q-1) zoned Limited High Density Residential, HR-1 District, with the following conditions:

- a. The variance applies to the current structure with its existing footprint and use as only a single family dwelling.*
- b. A complete application for the proposed subdivision must be submitted to the Subdivision Administrator within one year.*

This variance is approved because:

- a. The strict application of this Ordinance would produce a clearly demonstrable hardship.*
- b. That such hardship is not shared generally by other properties in the same zoning district and the same vicinity.*
- c. That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance.*

Mr. Lewis seconded the motion. Mr. Crawford asked for a roll call vote.

Vice Chairman Crawford – yes

Ms. Lewis – yes

Mr. Whitacre – yes

Ms. Anderson - yes

Vice Chairman Crawford stated the motion passed 4-0.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

ADJOURN:

With no further business before the Board, the meeting was adjourned at 4:43pm .

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